REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action of April 27, 2005 (hereinafter "Office Action"). In response, Applicant respectfully submits that the cited reference fails to disclose at least the recitations of the independent claims. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1, 6, 13, and 20 are Patentable

Independent Claims 1, 6, 13, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 6,012,088 to Li et al. (hereinafter "Li") in view of "Official Notice." Claim 1, for example, is directed to a network model for managing a service and recites, in part:

> an end service domain that associates the service with an end service provider, the end service domain comprising:
> a plurality of wholesale service domains, respective ones of the plurality of wholesale service domains comprising at least one network that provides traffic transport for the end service domain;
> a plurality of gateways, wherein at least a first one of the plurality of gateways couples one of the plurality of wholesale service domains to another one of the wholesale service domains and is configured to perform protocol translation on traffic passing between the coupled wholesale service domains, and wherein at least a second one of the plurality of gateways is configured to couple a user to the end service domain and is further configured to communicate with the user by a protocol associated with the service;
> a process domain that provides an abstract representation of applications provided by the end service domain;
> a service management system that is communicatively coupled to the end service domain, the service management system comprising:
> a plurality of software objects that represent resources in the end service domain for providing the service; and
> a policy database that comprises rules for associating requirements of the service with resources in the end service domain.

Claims 6, 13, and 20 include similar recitations. The Office Action cites col. 9, lines 50 - 67 and col. 10, lines 1 - 5 as disclosing the policy database. These passage from Li, however, appear to describe a database that is used to collect customer information that can be used to

generate a configuration file to configure a customer device for use. In sharp contrast, the policy database recited in Claims 1, 6, 13, and 20 is described as comprising rules for associating requirements of a service with resources in an end service domain or associating requirements of a service with a plurality of resources. Applicant respectfully submits that Li does not appear to contain any disclosure or suggestion of a database that includes rules for associating service requirements with resources in an end service domain and/or a plurality of resources. As discussed above, the database described in Li appears to be used to generate a configuration file for a single Internet access device based on information collected from a customer.

The Office Action states that "'Official Notice' is taken that having a policy database, which comprises rules for associating requirement of service with the resources, is old and well known in the art." As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual question of motivation is material to patentability, **and cannot be resolved on subjective belief and unknown authority**. *See In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." Thus, the evidence of motivation to combine references must be clear and particular and must come from the prior art references, not from Appellants' disclosure. Applicant respectfully submits that taking Official Notice that a particular type of database, i.e., a database that includes rules for associating service requirements with resources in an end service domain and/or a plurality of resources as recited in Claims 1, 6, 13, and 20 does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. It appears that the Office Action gains its alleged impetus or suggestion to combine the cited the Li reference with the Official Notice statement by hindsight reasoning informed by Applicants' disclosure, which, as noted above, is an inappropriate basis for combining teachings. Moreover, Applicant respectfully disagrees with the substance of the Official Notice statement that a particular type of database, i.e., a database that includes rules for associating service requirements with resources in an end service domain and/or a plurality of resources is old and well known in the art.

In response to Applicant's arguments filed January 21, 2005, the Office Action states

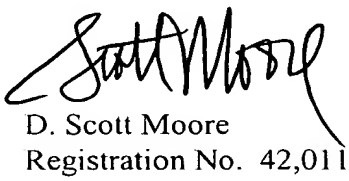
that the Li teaches the use of a database that can store customer input, "such as a **desired** domain name (rules)..." (Office Action, page 8). Applicant respectfully submits that such input does not qualify as rules for associating service requirements with resources in an end service domain and/or a plurality of resources as recited in Claims 1, 6, 13, and 20. In particular, the Office Action acknowledges that the input from the customer is something the customer desires. Such input cannot qualify as a rule that is used to associate service requirements with resources. Rather, such input is better classified as a request.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 6, 13, and 20 are patentable over Li and the Official Notice and that Claims 3 - 5, 8 - 12, 15 - 19, and 22 - 26 are patentable at least per the patentability of independent Claims 1, 6, 13, and 20.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



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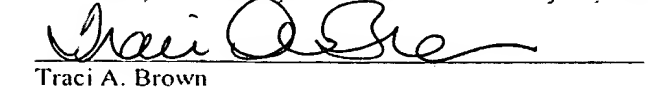
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on July 27, 2005.



Traci A. Brown